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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Third periodic reports submitted by States parties under articles 16 and 17 of the Covenant

Addendum

IRAQ*

[8 December 1995]

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I. INTRODUCTION

1. In the past few years, Iraq has witnessed two major events that have substantially affected human rights in Iraq, namely the end of the eight-year war imposed on Iraq by Iran and the aggression against Iraq on 17 January 1991.

2. On 8 August 1988, the Iran-Iraq war ended, having lasted eight years, during which Iran inflicted material ruin and human suffering on Iraq. Iraq then began preparing itself to move into a position where objective conditions for the achievement of the widest possible enjoyment of human rights could be created in line with the post-war situation. In that connection, Iraq has made significant headway; in the first two years after the war, the emergency measures it had been obliged to take on account of the war circumstances imposed on it were abolished. Iraq's new draft Constitution was also completed and discussed by a large number of popular organizations, while a referendum on the draft had been anticipated in 1990. However, the Kuwait crisis and the hostile war launched against Iraq on 17 January 1991 posed fresh impediments to these significant accomplishments in the field of human rights.

3. The end of the war between Iraq and Iran marked a positive sign and reopened the way for promoting the status of human rights in Iraq. However, the continuing economic embargo against Iraq, in addition to the wilful devastation left by the hostile war, encompassing all essential public amenities in Iraq, had a detrimental impact on the Iraqi people's enjoyment of individual and collective rights. It is obvious to any impartial follower that the continued imposition of the economic embargo on Iraq demonstrates the wish of certain States dominant in the Security Council to impede the will of the Iraqi Government to fulfil its national and international obligations arising out of its accession to international conventions, in particular those concerning human rights, and consequently to exploit that situation in order to use human rights as a political card against Iraq with a view to pressuring its political leadership, intervening in its internal affairs and fragmenting its national unity in the name of upholding human rights in Iraq.

4. It is therefore difficult to discuss human rights in Iraq in isolation from those events and their effect on the Iraqi people's enjoyment of its economic, social and cultural rights. For over five years, since the adoption, in August 1990, of Security Council resolution 661 (1990) imposing a comprehensive economic embargo on Iraq, the Iraqi people has been suffering the inhumane effects of that embargo, effects which directly extended to include individual and collective human rights.

5. In the social field, there has been a noticeable impact on the health indicators for Iraqi citizens, particularly children, who are the age group most affected by environmental and health conditions. A study by the United Nations Children's Fund (UNICEF) issued in April 1994 (E/ICEF/1994/L.2), confirmed that the infant mortality rate had increased from 28 per 1,000 live births in 1990 to 64 per 1,000 live births in 1994. During that same period, the child mortality rate rose from 48 to 80 per 1,000 live births.

6. Child mortality statistics from the Iraqi Ministry of Health indicate a clear rise in the number of child deaths, particularly in the under-fives, among whom the total number of deaths between August 1990 and August 1995 amounted to 230,547. There were also 393,732 deaths among the over-fives, bringing the total number of child deaths to 624,279. Lack of nutrients also induced various disorders, such as iodine- and iron-deficiency anaemia. Statistics produced by the Iraqi Ministry of Health during 1994 showed that 53.3 per cent of pregnant women suffered from anaemia and vitamin A deficiency, as did 73.6 per cent of women who were not pregnant.

7. The continuing embargo has sparked a sharp fall in the standard of living and the ability of citizens to meet their needs, notably that of providing food. As a result, resistance to disease among several sectors of society has dropped, while infant mortality among the under-fives has risen for lack of milk and medicine. In addition many birth deliveries now require intensive care, owing in particular to malnutrition among pregnant women. Studies conducted by international missions, including the Food and Agriculture Organization of the United Nations (FAO) mission which visited Iraq from 14 to 28 June 1993, affirmed that the Government supply system provided only 45.7 per cent of the individual's food-basket requirements.

8. The monthly average incidence of malnutrition and protein deficiency rose from 41 cases in 1991 to 2,337 in 1995, representing a 57-fold increase, while the incidence of emaciation rose from 433 cases in 1990 to 20,843 in 1995, representing a 48-fold increase.

9. As for communicable diseases, the number of cases of measles, for instance, rose from 5,715 in 1989 to 6,399 in 1993, and of mumps from 9,639 in 1989 to 46,961 in 1993 and cholera from zero to 1,217 in 1991 and 976 in 1992. There were also cases of malaria, meningitis and typhoid.

10. The continuing embargo has led to a fall in the standard of available health care and medical equipment, as well as a scarcity of medicines and essential items needed for laboratory testing purposes, thus making the swift and accurate diagnosis of illness difficult.

11. The embargo has also led to a severe deterioration in the standard of services, as the purified water networks and pumping stations were almost completely demolished in the war. The monthly pumping average consequently fell from 45 million cubic metres before the aggression to 9 million after the aggression, rising to 18 million cubic metres once some of the war damage had been repaired. The efficiency of water purification projects also fell from 80 per cent to 60 per cent because of the unavailability of the spare parts needed to sustain operation of the stations.

12. The Iraqi people is facing annihilation by a weapon that is no less dangerous than weapons of mass destruction, namely the weapon of the economic embargo, which, dating back over five years, has so far taken 1 million victims, half of them children.

13. Such annihilation is a form of genocide inflicted on the people of Iraq, which is a crime punishable by international law, whether committed in time of war or peace. Article II of the Convention on the Prevention and Punishment

of the Crime of Genocide defines the acts regarded as genocide, which include killing members of a national or religious group, causing serious bodily or mental harm to members of the group or deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part.

14. There is no doubt that such acts are being deliberately committed by virtue of the United States insistence on the continued imposition of the economic embargo, for which there is no longer any justification now that the reasons for its imposition have dissipated and now that Iraq has fulfilled its obligations under the relevant Security Council resolutions.

15. Given the importance of this matter, no impartial follower can discuss human rights in Iraq while continuing to ignore the disastrous repercussions that the continued embargo has on those rights. We therefore believe that, in the pursuit of objectivity, we should draw attention to that matter in the report in accordance with the articles addressed and state the reasons that may preclude implementation of the articles of the Convention in the manner desired by the Iraqi Government. We believe that the continued imposition of the economic embargo is a deliberate act aimed at thwarting the will of the Iraqi State to perform its national and international obligations arising out of its accession to such conventions.

16. In preparing the report, we have complied with the guidelines contained in document E/C.12/1991/1. We would also like to point out that the present report does not cover articles 13 to 15, as Iraq earlier submitted a report (E/1990/7/Add.13) on 2 July 1993 concerning their implementation.

II. RIGHT TO WORK

Article 6

The legal framework

17. Labour issues are addressed by way of the following legislative acts, laws and decrees:

- the Constitution (art. 32 (a));
- the laws and decrees mentioned in Iraq's first report on economic, social and cultural rights (arts. 6-9) (E/1984/6/Add.8).

18. Iraq is party to the following international conventions:

- International Labour Organization (ILO) Conventions:

  Employment Policy (No. 122 of 1964);

  Discrimination (Employment and Occupation) (No. 111 of 1958);

- Convention on the Elimination of All Forms of Racial Discrimination;

- Convention on the Elimination of All Forms of Discrimination against Women.

Iraq reports to the committees concerned in that respect.

19. The employment policy in Iraq is aimed at employing labour to further the process of building the national economy with a view to prosperity and the improvement of living conditions. A work applicant may find suitable job opportunities in Government departments and in the public, private, mixed or cooperative sectors directly or register with the employment offices of the Ministry of Labour and Social Affairs, which secures suitable job opportunities in the light of employers' demands for workers and the worker qualifications stipulated as a requirement by the employer.

20. Continuation of the unjust economic embargo has given rise to high monetary inflation and reduced the real income of salaried workers in the different economic sectors. In such circumstances, it is only natural that some workers should seek additional work with a view to boosting their incomes. Such work (e.g., buying and selling, acting as a commodity sales agent) is normally available in the economically marginal informal sector and the service sector. We have no available statistics concerning such persons.

21. Prior to the aggression of the Coalition States and the imposition of the embargo, the labour market in Iraq was characterized by the absence of an unemployment problem and by the large numbers of Arab and foreign labour working in Iraq. However, the extensive damage resulting from the embargo and the aggression had adverse consequences for the labour market and brought the phenomenon of unemployment to the fore.

22. The employment offices of the Department of Labour and Social Security (which is in charge of labour in Iraq) are an essential means of monitoring employment and labour market trends through those who are registered and recruited directly through such offices and those who are recruited by employers who then notify the offices of such recruitment. The Department is responsible for the collection and analysis of data on the employment situation and labour market trends, which it publishes in quarterly and annual reports. It also conducts periodic surveys of projects, the labour force and wages, as well as studies on the status of labour associations, which it publishes and distributes to the relevant bodies, notably the planning board.

23. Iraq has ratified a large number of the conventions adopted by the International Labour Organization, including those relating to employment, the labour market, remuneration, the development of human resources, guarantees of employment in respect of working women, protection of indigenous populations, holidays and rest (Conventions Nos. 1, 19, 26, 29, 41, 58, 88, 89, 94, 95, 98, 100, 105, 107, 111, 118, 122, 131, 132, 138, 142, 150, 153 and 167).

24. No exception, discrimination, limitation or technicality exists in law, in administrative practice or in labour relations among persons and groups on the basis of race, colour, sex, religion, political opinion, nationality or social circumstances.

25. Through its six vocational training centres, the Department of Labour and Social Security is responsible for preparing and training apprentice workers and providing them with technical expertise in different fields with a view to supplying the enterprise sectors with the required specialist skills, furthering the technical standard of skilled workers and enhancing their vocational competence and production efficiency levels (Labour Act, art. 251, and Vocational Training Directive No. 21 of 1987).

26. Training in the Ministry of Labour centres is aimed at supplying workers who have vocational training and qualifications for entry onto the employment market in the various industries and activities which correspond to the training specializations offered by such centres. It is also aimed at providing basic knowledge that can be assimilated and developed according to the requirements of the industrial facilities in the different sectors. From time to time, a review is carried out according to the needs of the employment market and the occupations and skills available on that market.

27. The relevant ministries and associations are responsible for carrying out and supervising specialist training to fit the requirements of the national economy and the needs of the market.

28. There is similarly no discrimination in respect of vocational guidance and training on the basis of race, colour, sex, religion or national origin; the Constitution of the Republic of Iraq, Labour Act No. 71 of 1987 and Civil Service Act No. 24 of 1960, as well as various other laws and the relevant Revolution Command Council decrees, guarantee the right of every able citizen to work, with all citizens enjoying equal conditions and opportunities without discrimination on grounds of sex, race, language or religion. Each citizen consequently has the opportunity of vocational training within the limits prescribed by the State for the volume and type of work in each vocational sector. Work is also a sacred duty that is ordained by honour and exacted by the imperative to participate in the building, development and prosperity of society (Labour Act No. 71 of 1987, art. 2, para. 3).

29. Concerning changes in national legislation and court decisions, the laws and legislative acts previously mentioned in Iraq's first report (E/1985/6/Add.8, paras. 6-9) are still in force, as is Labour Organization Act No. 71 of 1987, which contains the provisions that protect human rights, namely:

(a) A worker may be punished only after he has been questioned and his defence has been heard in the presence of a representative of the competent trade union body;

(b) A worker shall have the right to object to a decision of dismissal before the competent labour court;

(c) Where the court sets aside the penalty of dismissal, the period during which the worker stopped work shall, for all purposes, be regarded as service and the employer shall be required to pay the social security contributions for such period.

III. RIGHT TO JUST AND FAVOURABLE CONDITIONS OF WORK

Article 7

30. Iraq is a party to the following ILO Conventions:

- Minimum Wage Fixing (No. 131 of 1970);
- Equal Remuneration (No. 100 of 1951);
- Weekly Rest (Industry) (No. 14 of 1921);
- Weekly Rest (Offices and Commerce) (No. 106 of 1957);
- Holidays with Pay (No. 132 Revised of 1970);
- Labour Inspection (No. 81 of 1947);
- Labour Inspection (Agriculture) (No. 129 of 1969);
- Occupational Safety and Health (No. 155 of 1981).

Iraq reports to the Committee of Experts concerned with implementation of international conventions and the recommendations of the International Labour Organization relating to the provisions of article 7.

A. Pay

31. The Labour Act in force guarantees that the worker receives pay sufficient to meet his essential needs, enable him to support his family and afford him the opportunity to enjoy the fruits of any economic progress achieved. It also specifies the following bases for the assessment of pay:

(a) The type of work performed by the worker, whereby pay is linked to production;

(b) Equal pay for work of equal type and quantity that is performed under similar conditions;

(c) Pay protection, which guarantees that no amount of pay is deducted unless so ordered by law, bearing in mind that the worker should always retain an amount of pay that enables him and his family to live at an acceptable level. In assessing pay, the minimum laid down by the committee responsible for proposing the minimum pay for unskilled workers is observed (Labour Act in force, arts. 4 and 46).

32. Concerning the minimum wage system, there is a fixed wage for unskilled workers that includes all workers in all sectors covered under the provisions of Labour Act No. 71 of 1987. Compliance therewith is monitored by means of inspection committees.

33. Pay is fixed by agreement between worker and employer and is stated in the contract of employment. The employer is required to keep a wages record listing details of the worker's wages and deductions. The record is subject to control by work inspectors.

34. Allowances and bonuses are regarded as pay supplements in the following instances:

(a) If the law, the contract of employment or the rules of work procedure stipulate their payment;

(b) If they continue to be paid universally and consistently for a period of not less than three years. Percentages of sales and profits agreed in the contract of employment are also regarded as pay supplements (Labour Act in force, arts. 43 and 44). In addition to the worker's normal wages, allowances and bonuses, pay also commonly includes food, transport and clothing allowances, as well as infection contingency allowances.

35. The pay of workers in government departments and the public sector includes various allowances according to the nature and conditions of work, as well as specialization, as specified in the Civil Service Act, the decrees promulgated by the State legislative body or institutional staff rules.

B. Occupational safety conditions

36. The legal or administrative provisions concerned with the minimum occupational safety conditions are as follows:

- Public Health Act No. 89 of 1981;
- Labour Act No. 71 of 1987;
- National Committee on Occupational Health and Safety Act No. 4 of 1988;
- Ionized Ray Protection Act No. 99 of 1980;
- Revolution Command Council Decree No. 552 of 2 May 1981 establishing the National Contagion and Hazard Centre;
- Laboratory Hygiene Control Regulation No. 74 of 1968;
- The directives issued pursuant to Public Health Act No. 89 of 1981;
- Directive No. 5 of 1982 on health permit rules;
- Directive No. 4 of 1984 on monitoring occupational exposure to carcinogenic chemical substances;

- Directive No. 6 of 1986 on monitoring occupational exposure to iskral* oil;

- Directive No. 4 of 1987 on asbestos handling;

- Directive No. 4 of 1989 on the safe storage and handling of chemical substances;

- Directive No. 2 of 1990 on occupational exposure in the manufacture, handling and storage of insecticides;

- The directives issued under Labour Act No. 71 of 1987;

- Health Safety and Occupational Health Directive No. 22 of 1987;

- Directive No. 19 of 1987 on work forbidding the employment of young persons;

- Definition of Physically Harmful and Demanding Work Directive No. 14 of 1988.

37. The provisions of the legislative acts relating to work precautions and occupational health and safety apply to all workers and to workplaces that employ one worker or more.

38. In 1993, the number of industrial injuries recorded in the private, mixed and cooperative sectors amounted to 129, including 27 deaths, compared to 427 injuries in 1988, 357 in 1989 and 429 in 1990. The fall against previous years in the number of industrial injuries recorded in 1993 is attributable to the decline in the number of workers employed after 1990 in projects in the public, mixed and cooperative sectors that are included under the provisions of Labour Act No. 71 of 1987, such being as a result of the circumstances created by the unjust embargo.

C. Equal opportunity

39. As to the principle of equal opportunity, the Labour Act in force stipulates equal pay for work of equal type and quantity that is performed in similar conditions (Labour Act in force, art. 45, para. 2).

40. Under Iraq's labour legislation, men and women are equal in all fields of work. This includes equal pay, equal employment opportunities, equal occupational training and equal promotion at work. Such legislation also guarantees special protection for women workers, since it is forbidden to employ women in work that is physically demanding or harmful to health and in night work (excluding administrative jobs and health and leisure services). Pregnant women may not be employed overtime.

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* Translator's note: This is a transliteration of the Arabic word, for which the English meaning remains untraced.

41. Working women are entitled to maternity leave of 72 days with full pay, which may be extended to 9 months in cases where delivery has been difficult. Under the labour legislation, it is also permissible for female workers to be granted child-care leave of one year, as well as a period of not more than one hour during the working day for the purpose of breast-feeding. The law also requires the employer to provide special rest for women workers according to the requirements of work (Labour Act in force, arts. 80-89).

D. Rest, hours of work and paid leave

42. The Labour Act in force specifies the daily working time as eight hours. It also specifies that the daily and weekly working time should be reduced in cases where work is physically demanding or harmful according to directives issued by the Minister of Labour and Social Affairs. Night work may not exceed seven hours, or seven and a half hours in the case of combined day and night work. For young persons, the working day may not exceed seven hours (Labour Act in force, arts. 55, 57, 59 and 92).

43. Hours of work are interspersed with one or more eating and rest periods of not less than half an hour. Continuous work may not exceed five hours. The rest period in jobs which span two meal times ranges between one and four hours (Labour Act in force, art. 58).

44. In connection with weekly rest, overtime, paid leave and official holiday pay, the following remarks can be made:

(a) The worker is entitled to a weekly rest of not less than one day with pay (Labour Act in force, art. 60);

(b) The law permits an increase in the legally prescribed hours in the following cases:

(i) In the occurrence or likelihood of an accident or in the event of force majeure or unavoidable emergency, when the hours of work should be as necessary to address the instance in question (Labour Act in force, art. 62);

(ii) The employer may increase the prescribed hours of work in accordance with the provisions of the Labour Act in force if such work is aimed at countering unusual pressure due to feastdays, seasonal work and the like, or if the work involves the repair or maintenance of equipment, implements and machinery, which, if idle, could paralyse work or a large number of workers, or if the overtime is aimed at avoiding damage to materials or products or is in conjunction with an annual inventory. Overtime may not exceed one hour in industrial shift work or four hours in industrial preparatory or finishing work, in situations of catering for work of an unusual nature or in non-industrial work. Overtime is paid at double the rate for the legally prescribed hours if it involves night work or physically demanding or harmful work and is 50 per cent higher than the normal rate of pay if it involves day work.

45. The worker is entitled to paid leave of 20 days in jobs that are physically demanding or detrimental to health, while young persons are entitled to 30 days. Two days are added to the worker's annual leave after each five years spent in continuous service with the same employer. Annual leave is granted to the worker in a single block. The worker may take additional unpaid leave if he so requests (Labour Act in force, arts. 67-69 and 93).

46. Workers in government departments and the public sector are entitled to annual leave of 36 days (Civil Service Act No. 24 of 1960, art. 43).

IV. TRADE UNION RIGHTS

Article 8

47. Iraq is party to the following international conventions:

- International Covenant on Civil and Political Rights;
- ILO Conventions:

  Freedom of Association and Protection of the Right to Organize (No. 87 of 1948);

  Right to Organize and Collective Bargaining (No. 98 of 1949);

  Labour Relations (Public Service) (No. 151 of 1978).

Iraq reports to the concerned supervisory committees in connection with the provisions of article 8.

48. The main laws, administrative rules and decrees concerning the regulation of trade union rights in Iraq are:

- Trade Union Organization Act No. 52 of 1987;
- Revolution Command Council Decree No. 51 of 1991;
- The unified rules of procedure of labour trade union organizations in Iraq issued on the basis of the provisions of article 48 of the Trade Union Organization Act.

A. Right to form and join trade unions

49. The Trade Union Organization Act, article 5, paragraph 1, stipulates that vocational workers in one project or more who number not less than 50 may establish a trade union. For the purposes of that provision, workers means those covered under Labour Act No. 71 of 1987, namely workers employed in projects in the private, mixed or cooperative sectors.

50. Article 11 of the same Act stipulates that every two or more trade union committees for a particular occupation in a governorate may establish one trade union among them for that occupation. It is therefore patently clear that the right to form trade unions is guaranteed under the Act.

B. Right to join trade unions

51. The right to join trade unions is guaranteed under article 8 of the Act, which stipulates that each worker having attained the age of 18 has the right to belong to a trade union committee or a vocational trade union.

52. The Trade Union Organization Act, article 31, paragraph 2 (b), stipulates that the worker is deemed to have resigned from the trade union organization if he leaves work in his occupation and engages in work that is not included under the provisions of the Labour Act. The widest application of that provision was when workers on economic projects in the public sector were reassigned as employees pursuant to Revolution Command Council Decree No. 150 of 1987. As such, they are no longer included under the Labour Act and are not therefore covered under the provisions of the Trade Union Organization Act.

53. Trade Union Organization Act No. 52 of 1987 contains no restrictions on the freedom of workers' trade union organizations to join professional, regional and international federations. Our trade union organizations exercise that right in complete freedom and the general trade unions, as well as the General Federation of Trade Unions of Iraq, are members of several Arab and international vocational federations.

54. The Trade Union Organization Act, which regulates the activities and initiatives of workers' trade unions, contains no restrictions or conditions such as a requirement that their decisions should receive prior or subsequent authorization. Trade unions have free meetings, as well as absolute freedom of action and initiative within the legally permissible limits. Various provisions of the Act affirm the freedom of the general bodies of trade union organizations to take decisions.

C. Right of workers to strike as a constitutional or legal right

55. Under Labour Act No. 71 of 1987, article 36, workers are permitted to stop work in the event of collective disputes with their employers and if the employer or employers fail to implement the decision of the Judicial Labour Bench at the Court of Cassation as to resolution of a dispute after being notified of that decision. Such period of stoppage is counted as service in their favour, for which they are entitled to all their legally prescribed rights. Employers are penalized for non-implementation, in which case they must notify both the Minister of Labour and Social Affairs and the President of the General Federation of Trade Unions of the work stoppage.

56. Labour Act No. 71 of 1987, chapter 8, section 1, stipulates the right of workers to strike and regards a strike as the final stage in the settlement of collective labour disputes. Articles 130 to 136 state that disputes should be settled by stoppage or by mandatory referral to the courts and that the employer is required to implement the decision of the court which finds in favour of the workers. In the event that he fails to do so, the workers may, three days after being notified of the court decision, stop work.

V. RIGHT TO SOCIAL SECURITY

Article 9

57. Iraq is a party to the ILO Convention on Social Security (Minimum Standards) (No. 102 of 1952 and other relevant ILO Conventions (Nos. 121, 128, 130 and 168).

A. Social Security Benefits

58. The social security benefits paid to insured workers include the following:

- Pensions (old age, service and succession);
- Medical care;
- Sick-leave benefit;
- Industrial injury and injury leave benefit;
- Provision of funding for direct and indirect social services, such as the establishment of workers' social centres, children's nurseries, vocational training centres, etc.

59. On completion of service, the covered worker is entitled to a pension when he attained 60 years of age in the case of a man or 55 years of age in the case of a woman, in both cases, with at least 20 years of service. The same applies if the worker dies during service, regardless of the period of service or the contribution sums paid for either (Pension and Social Security Act in force, art. 65).

60. The employer and the Department of Labour and Social Security shoulder the cost of the health and medical care of the covered worker, who is granted sick leave with full pay, which is assumed by his employer where the period of leave does not exceed 8 days on each occasion for up to 30 days in one year of work. Above that period, the Department of Labour and Social Security pays a sick-leave benefit to the covered worker who is ill at the rate of 75 per cent of his average pay for the previous 3 months, provided that it is not less than the minimum pay in the worker's occupation. It also simultaneously provides the worker with all health supervision and treatment (art. 45 (a) of the Act).

61. Sick-leave benefit continues for a maximum period of six months. In the event that the worker does not recover, if his illness is incurable, he is awarded a full disability pension. If his disability is only partial, he is awarded a sick pension that is proportionate to the extent of that disability, multiplied by the full sick pension. He continues to receive medical care until his condition stabilizes.

62. If the illness is as a result of work, the worker is entitled to care and essential treatment until he recovers, as well as sick leave with full pay, which is shouldered by the Department of Labour and Social Security from his first day of leave until he recovers.

63. In the event that he does not recover after the maximum sick-leave period of six months, he is entitled to a pension proportionate to the disability as assessed by the competent medical committee. If illness persists after his full recovery from disability that is equivalent to 35 per cent or more of full disability, the worker is awarded a partial pension that is proportionate to his partial disability, multiplied by the full sick pension.

64. In terms of categories that enjoy the right to social security, workers in the public sector were reassigned as employees pursuant to Revolution Command Council Decree No. 150 of 1987 and are now therefore subject to the laws and regulations on civil service and pensions. They enjoy the aforesaid rights and the provisions of the Labour and Social Security Act do not apply to them.

65. Workers in the private and mixed sectors enjoy social security privileges if they are employed in the work projects covered by social security. Their social security contributions as prescribed under the Workers' Pension and Social Security Act No. 39 of 1971 are paid for them and they benefit from the social security privileges contained in the Act, which includes the following types of cover:

(a) Health coverage. The worker enjoys health care, treatment, clinical investigation and sick-leave benefit in accordance with the limits prescribed in the Labour and Social Security Act;

(b) Industrial injury coverage. The Department is required to care for and treat the injured person from the time when it is notified of the accident until he recovers or dies, in addition to providing injury-leave benefit throughout the period of treatment. If the injury to the worker results in full disability or is fatal, he and his successors are awarded a full injury pension; if the injury leaves the worker with a partial disability, he is awarded a partial injury pension in the manner prescribed by law;

(c) Pension coverage. The worker receives a pension if he completes the period of service prescribed by law or reaches old age having completed a specific period of service or if he dies during service. If he does not fulfil the conditions for the award of a pension, he is awarded an end-of-service gratuity;

66. The following section describes the funding of direct and indirect social services for the worker by providing financial allowances for marriage, death, birth, sickness, feastdays and so forth, as well as subsidizing education, trade union centres and sports clubs for workers.

67. In order to finance the cost of social security, the Department of Labour and Social Security uses its own revenues derived from social security contributions and financial and property investments made by the Department.

68. Those sources enable the Department to finance the cost of social security, with liquid cash for investment. No funds are therefore apportioned for spending on social security, as such apportionment is unnecessary.

VI. EFFECTS OF THE CONTINUED ECONOMIC EMBARGO ON ECONOMIC RIGHTS

69. It is well-known that Iraq is a petroleum-producing country that relies on its petroleum resources to cover its imports. Pursuant to Security Council resolution 661 (1990), Iraq was forbidden to export its petroleum, its assets were frozen and Iraqi institutions were denied loans and credit facilities. The national product of all sectors consequently fell, although this was due not only to the cessation of petroleum exports, but also to the acute shortage of the raw and semi-processed materials that Iraq imports from abroad. The decline in productive activity is expected to continue in view of the ongoing embargo, with the ensuing risk for the future involved in interruption of the development process.

70. As a result of the sharp decline in imports and domestic production, the supply of goods has fallen substantially to produce alarming price rises and escalating inflation rates. Commodity prices are clearly beyond the economic reach of earners on fixed and semi-fixed incomes. Iraqi society would have been seriously endangered if the State had not introduced decisive economic measures in the form of the ration-card system, aimed at providing the subsistence amount of food, and the health booklet, aimed at providing food at roughly the same prices as before imposition of the embargo and maintaining reasonable prices for electricity, petroleum products and purified water.

71. It is such conditions, and not legislation, that are responsible for having affected the Iraqi individual's right to work, as the number of projects in the private, mixed and cooperative sectors were reduced by 34,432 between early 1990 and early 1991 and over 17,000 projects were partially suspended.

72. Many workers have consequently been made redundant, unemployment has increased and the number of workers in the aforesaid sectors has fallen.

73. A comparison of the number of foreigner work permits granted in 1990 and 1993 shows that projects had little capacity to accommodate new workers: 7,629 were granted in 1990, while only 190 were granted in 1993.

74. The aftermath of the economic embargo and the aggression against Iraq on 17 January 1991 extended to include the work divisions responsible for the implementation of labour legislation, the monitoring and planning of the labour market and vocational guidance programmes, recruitment of the unemployed and the proper application of health and occupational safety conditions. Other administrative offices were equally affected in that 19 labour and social security office buildings and vocational training centres suffered damage.

75. Despite the pay increases received by some workers in the public, private, mixed and cooperative sectors, the worker's real wage has fallen substantially because of the considerable rise in the price of commodities resulting from the continuing economic embargo. With a view to addressing aspects of that crisis, the State subsidizes food and medicine through the ration card and the health booklet.

76. Work conditions have also been affected as far as safety and health are concerned in that safety and security standards at work have dropped; on the one hand, machinery and equipment was demolished and destroyed in the

aggression, while on the other hand the potential for supplying the personal protection gear and spare parts that Iraq used to import from abroad has been depleted as a result of the continued economic embargo. As much is clearly highlighted by the increase in industrial injuries and occupational diseases. The percentage of industrial injuries to number of workers was 176 in 1988 compared to 325 in 1991, while the percentage of occupational diseases was 170 in 1988 and 379 in 1991.

77. The aggression against Iraq, the subsequent devastation and the continuing embargo have substantially affected the prospective enhancement of worker skills, as well as worker promotion. Four vocational training centres belonging to the Ministry of Labour and Social Affairs were extensively damaged at Basra, Ta'mim, Arbil and Najaf. A vocational training centre at Nineveh was also partially damaged. The process of vocational training for workers in those centres was therefore halted for a period ranging between 6 and 10 months in the centres located at Baghdad, Nineveh and Ta'mim, for 15 months in the centre at Basra and approximately 2 years in the centre at Najaf. The vocational training centre at Arbil was still non-operational up until the time of this report owing to the abnormal circumstances prevailing in northern Iraq in view of the United States military intervention and the region's dominance by armed gangs. Five of the six centres are again operational as a result of equipment relocation and purchases made from the domestic market. However, if they are to resume normal activity, they need replacement training equipment and materials, which are difficult to provide at the present time in the light of the sustained economic embargo against Iraq.

78. In addition to the damage caused to the buildings, training equipment, furniture and transport facilities of the aforementioned centres, enormous indirect damage has also been inflicted through the interruption of the training process and the ensuing adverse effect on worker efficiency in view of the impossibility of replacing training equipment, machinery and materials on account of the continued embargo.

79. Workers' social security has also been affected by the continuing embargo. As much is obvious in that the entitlement of covered workers to the award of pensions and end-of-service gratuities has been affected by inflation and the increased price of goods and services. Moreover, there is very little expansion of existing projects and a dearth of new projects to take in new workers for incorporation under the social security umbrella.

VII. PROTECTION OF THE FAMILY

Article 10

80. Iraq is a party to the following international conventions:

- International Covenant on Civil and Political Rights;
- Convention on the Rights of the Child;
- Convention on the Elimination of All Forms of Discrimination against Women;

- ILO Conventions:

  Maternity Protection (No. 103 of 1952);

  Minimum Age (No. 138 of 1973).

A. Concept of the family in society

81. The family is the basic cell of Iraqi society, on which ground the State institutions continue to meet its needs with a view to ensuring its social development. The State also endeavours to instil moral values based on goodwill, respect and cooperation among members of the family, which consists of father, mother, children, grandparents, grandchildren and relatives.

82. A child is deemed to have attained legal age when he reaches 18 years.

83. The laws in force, which are based on Islamic law, deal with the rights of men and women to enjoy full freedom in conjugal life and accord both man and woman the full right to choose a spouse. They prohibit forced marriage.

84. Social Welfare Act No. 126 of 1980 ensures that the family is shielded from poverty and destitution by awarding an allowance, known as the family welfare allowance, in accordance with specific rules. Iraqi law also guarantees the right to free education at all stages. Education at the primary stage is deemed compulsory.

B. Maternity care

85. Labour Act No. 71 of 1987 includes the working woman under the provisions contained in chapter 6, articles 80 to 89, which cover:

- The right to protection;
- The total period of maternity leave and compulsory post-natal leave;
- Material support granted for the enjoyment of health coverage during such leave;
- The timed increase in the amount of such support.

86. Maternal welfare programmes include the provision of maternity care and family-health services by maternity and child-care units in the primary health-care centres throughout the country, which provide the following services:

(a) Pre-marital welfare services, including medical examinations for those wishing to enter into marriage;

(b) Welfare services for pregnant women;

(c) Delivery services provided by trained health staff (health institutions) and by trained and qualified midwives;

(d) Post-natal services;

(e) Services for pregnant women at risk;

(f) Family planning services.

87. The full maternity leave period is one year, six months of which are with full salary and six months of which are with half salary.

88. The full childbirth leave period is 72 days, consisting of 21 days before childbirth with full salary and 51 days after childbirth with full salary.

C. Protection of children and young persons from economic exploitation

89. Labour Act No. 71 of 1987, chapter 6, section 3, articles 97 to 99, regulates the protection of young persons. It prohibits their employment in physically demanding and harmful jobs which cause contagious occupational diseases and toxication. It also forbids their employment aboard ships and limits their hours of work to not more than seven hours, which must be interspersed with period of rest. It permits them to enjoy annual leave of 30 days.

90. Labour Act No. 71 of 1987, article 91, specifies the minimum age of children at 15 years.

VIII. RIGHT TO AN ADEQUATE STANDARD OF LIVING AND CONTINUOUS IMPROVEMENT OF LIVING CONDITIONS

Article 11

91. Iraq previously suffered no nutritional problems, since food was readily available at low prices. However, with the economic embargo imposed on Iraq since August 1990, the Iraqi population - men, women, children and the aged alike - now suffers from lack of food and high food prices. The most affected groups are the under-fives, pregnant and nursing women and the aged in all areas of Iraq.

A. Direct effects of the embargo on the food supply

92. The most detrimental effects of the embargo have been felt at their keenest in terms of the quality and quantity of the inhabitants' food supply, since Iraq suffers fundamentally from a wide food gap in that its food production provides only a small proportion of energy and protein requirement. Moreover, increases in food production fail to keep pace with the higher demand resulting from population increase. Accordingly, the proportion allocated for imports of food and essential food items in 1990 amounted to 34 per cent of the total allocation for all commodity imports.

93. The overall sums allocated in the external trade plan of 1990 for the supply of all types of food and ration items amounted to some 922 million Iraqi dinars, equivalent to US$ 2,958 million and corresponding to 34 per cent of the total allocation of 2,706 million Iraqi dinars for the country's imports of all commodities and items, the details of which are as follows:

(a) Food and cleaning substances: 677,152,000 dinars, equivalent to US$ 2,167 million;

(b) Operational items, such as spare parts and essentials for the continued operation of mills, ovens, bakeries, freezer stores and cold stores: 7,073,000 dinars, equivalent to US$ 22 million, bringing the total allocations to approximately 684,225,000 dinars, equivalent to US$ 2,189 million;

(c) Import allocations to the industrial sector for the supply of raw materials needed in the production of oil, as well as milk, milk derivatives and other primary materials, amounting to 104 million dinars, equivalent to US$ 333 million;

(d) Agricultural sector allocations for the supply of sheep and calf fodder, eggs for poultry breeding and seeds amounting to 132 million dinars, equivalent to US$ 422 million;

(e) Allocations for medicinal food for sick children are 1.5 million dinars, equivalent to US$ 5 million. The extensive effects of the embargo on the food supply are clear, bearing in mind that such allocations for food imports have been suspended ever since the embargo began.

94. The following table shows the food commodities that previously entered the country annually:

Table 1

Iraq's pre-embargo imports of basic foods and other essential items

(in tons)

Item	Quantity
Wheat	3 720 000
Rice	700 000
Sugar	720 000
Tea	54 000
Oil	240 000
Legumes	84 000
Coffee	2 400
Various kinds of milk	720 000
Cheese	30 000
Red meat	120 000
Canned meat	12 000
Poultry	36 000
Eggs	1 200
Table salt	43 000
Washing powder	120 000
Soap	60 000
Razor blades	240

95. The supply of foreign currency to finance imports of the goods and items illustrated in table 1 meant that over 25 commodities or commodity groups and 7 different cleaning items were distributed at subsidized prices, as the following table shows:

Table 2

Comparison of pre- and post-embargo distribution of food commodities

Pre-embargo	Post-embargo
Wheat	Wheat
Rice	Rice
Sugar	Sugar
Tea	Tea
Oil	Oil
Milk (baby)	Milk (baby)
Milk (adult)	Washing powder
Milk (dried)	Soap
Red meat (frozen)	
Poultry	
Fish	
Eggs	
Chickpeas of various types	
Lentils	
Spices	
Beans	
Tinned meat	
Tinned vegetables	
Tinned cheese	
Coffee	
Razor blades	
Shaving cream	
Toothpaste	
Cleaners (powder and soap)	
Liquid cleaner	

96. The individual's food allowance was previously about 25 kilograms per month, which was supplemented with food produce obtained from the domestic sectors, mostly at subsidized prices. He therefore obtained food in almost the same quantity as individuals in the developed countries and in even larger quantity than individuals in some countries. The suspension of petroleum exports, however, had the effect of cutting off the basic source of foreign currency, thus making continued importation impossible. The ration system was therefore initiated with a view to providing the minimum amount of food needed for sustenance. Table 3 below shows the quantities of the various food items distributed by the Ministry of Trade that the individual obtained before and after imposition of the embargo. It illustrates that the individual now obtains roughly 50 per cent of the food that he obtained before the embargo, as well as the fact that he now obtains only a few items.

Table 3

Percentage of the individual pre-embargo allowance now obtained by ration card and minimum individual requirements as estimated by the Nutritional Research Institute

Item	Monthly amount available to the individual from the domestic market in kilograms (1)	Minimum individual requirement according to the Nutritional Research Institute in kilograms (2)	Monthly individual ration-card allowance in kilograms (3)	Percentage obtained by ration card 3:1
Wheat	15 000	7 380	9 000	60
Rice	3 288	3 000	2 500	76
Sugar	3 409	2 700	1 500	44
Tea	0 249	0 150	0 100	40
Oil	1 283	0 900	0 750	58
Washing powder	0 533	0 400	0 250	47
Soap	0 488	0 255	0 150	33
Baby milk	3 060	-	1 800	59
Average				52

97. In addition to the foregoing, the amount of protein and calories obtained falls considerably short of the minimum individual requirement, which is estimated at 2,306 calories. The items currently distributed provide only 76.9 per cent of that requirement, as the following table shows in detail:

Table 4

Minimum daily individual requirement of food (in grams), calories and protein (in grams) needed by the body compared to the individual ration allowance

Item	Individual daily food requirement (Nutritional Research Institute)			Individual daily ration-card allowance	
	Quantity in grams	No. of calories	Grams of protein	No. of calories	Calorie Shortfall
Wheat	246	861	30.2		
Rice	100	355	8		
Sugar	90	360	-		
Tea	5	12	-		
Oil	30	270	-		
Milk	25	176	9.2		
Legumes	24	86	5.4		
Meat	50	133	8.5		
Eggs	20	28	2.3		
Potatoes	25	17	0.4		
Dried onions	15	6	0.1		
Tomato paste	10	2	0.1		
Total		2 306	64.2	1 774.4	531.6

98. Despite the increases in the individual allowance for items distributed by ration card during the period of the embargo, as illustrated in table 5 below, the individual still obtains only about 15.3 kilograms per month, or in other words, 61 per cent of the amount which he obtained before the embargo. Commodities have also declined in quality, while the number of commodity items has diminished from 25 to just 8. Owing to the continued economic embargo, the State was obliged, in September 1994, to reduce the amount and number of rationed items as follows below.

99. It should be pointed out that the amount of milk obtained by nursing infants, which was previously 3 kilograms per month, has now been reduced to 1.8 kilograms per month. Moreover, the different types of milk were available to everyone, regardless of age group, since the milk imported by the Ministry of Trade alone amounted to US$ 300 million per year, excluding the milk imported by the Industrial Establishment and locally produced milk, the quantities of which are also likely to be reduced as a result of the shortage of animal feed.

Table 5

Growth of the individual monthly ration allowance

1990-1994

(In kilograms)

Item	1990	1991	1992	1993	1994	
Wheat	5	5	8	9	9	9
Rice	1	1	1.500	2.250	0.250	2.250
Vegetable oil	0.500	0.250	0.375	0.500	0.625	0.750
Tea	0.100	0.050	0.075	0.075	0.100	0.100
Baby milk	1.530	1.350	1.800	1.800	1.800	1.800
Soap	0.100	0.100	0.120	0.120	1.150	0.150
Washing powder	0.200	0.200	0.200	0.200	0.250	0.250

100. Food stores, mills, bread bakeries, silos, freezer stores, cold stores, granaries and various distribution outlets were also destroyed during the episode of treachery and betrayal. The following table shows the damage inflicted on food stores:

Table 6

Stores and central markets belonging to the Ministry of Trade that were damaged in the 30-Power aggression

Site	Percentage damage
Arbil market	90
Ta'mim central market	90
Wasit central market	25
Najaf central market	100
Farahidi central market	10
Ashar central market	10
Central market stores	10
At Maysan	100
At Muthannah	100
Frozen food stores at Taji	95
Cold stores at Qadisiyah	90

Table 7

Mills a/ damaged as a result of the 30-Power aggression

Mill	Percentage damage
Basra	10-30
Thi Qar	20-65
Muthannah	11-20
Qadisiyah	100
Najaf	10-40
Karbala'	15-85
Ta'mim	15-25
Sulaymaniyah	15-25
Babel	10-40
Arbil	25-40
Maysan	20

a/ The total number of mills subjected to the aggression was 47 in all governorates in the country.

Table 8

Silos and granaries belonging to the Ministry of Trade that were damaged in the 30-Power aggression

Site	Percentage damage
Umm Qasr silo	50
Umm Qasr silo	60
Najaf silo	30
Kufa rice silo	15
Abu Sakhir rice silo	20
Diwaniyah silo	20
Diwaniyah rice silo	10
Nasiriyah silo and granaries	20
Samawah silo	20
Amarah silo and granaries	10
Karbala' silo	20
Tawz silo	25
Hila silo	15
Dohouk silo	45
Basra granaries	75

B. Effect of the economic embargo on prices

101. The movement in prices has been a key variable in the Iraqi economy that was substantially affected by the economic embargo. The consumer price index (CPI) reveals the true growth of consumption, as well as the individual average share in that consumption and hence renewed growth in levels of economic prosperity.

102. The CPI reached 161 in 1990 (using 1988 = 100 as the base). It then rose to 2,611 in 1992 and reached 10,676 in March 1994, meaning that prices increased by 10,676 per cent between 1988 and March 1994. It should be mentioned that food is regarded as the main consumer item group as far as the Iraqi individual is concerned, since between 47 and 48 per cent of his total expenditure is spent on that item. The effect of the embargo on the real growth in individual food consumption is therefore clear. The following table, for instance, reveals a noticeable difference between the prices of certain foods before imposition of the economic embargo and the prices which they had reached by June 1995.

Item	(In dinars per kilogram)	
	July 1990 prices	June 1995 prices
Wheat	0.060	400
Rice	0.240	700
Sugar	0.200	1 800
Tea	2.000	2 000
Oil	0.600	320
Milk	1.600	3 000
Lentils	0.400	1 000

C. Effect of the economic embargo on the standard of living

103. Standard of living is a concept aimed at showing economic and social prosperity in society and the ability to meet various needs. It can be calculated by means of the average individual private consumption, which indicates the patterns of spending by consumers with disposable income.

104. Private consumption increased from about 3,206 million Iraqi dinars in 1980 to about 4,839 million dinars in 1986, but fell to approximately 867 million dinars in 1991. Individual private consumption rose from about 273 dinars in 1980 to about 352 dinars in 1986, or by 10.6 per cent. However, it fell to approximately 254 dinars in 1990 and again to 210.3 dinars in 1991, meaning a drop of 78 per cent during one year. This signals the extent to which the living standard of citizens has deteriorated and the inability to meet essential needs and living requirements. The following table shows the average individual private consumption for 1980 to 1991:

Table 10

Average individual private consumption for 1980-1991

Year	Private consumption at fixed prices (millions of dinars)	Number of inhabitants (millions)	Average individual private consumption (dinars)
1980	3 601.9	13.2	272.9
1981	3 737.6	13.7	272.8
1982	4 451	14.1	315.7
1983	4 502.9	14.6	308.4
1984	4 765.4	15.1	315.5
1985	4 736.1	15.6	303.6
1986	4 848.6	16.1	302.2
1987	4 662.8	16.3	286.1
1988	4 596.8	16.9	272
1989	4 411.8	17.4	253.6
1990	3 764.6	17.9	210.3
1991	866.8	18.4	47.1

D. Nutritional status in Iraq

105. Compared with the average food consumption in the years preceding the embargo, the number of calories obtained by the Iraqi individual increased from 2,649 in 1979 to 3,338 in 1988 and to 3,581 in 1989. These figures are much higher than the individual average requirement set by the World Health Organization (WHO) and FAO. They are also much higher than the amount obtained by individuals in developed countries. The Iraqi individual therefore previously suffered more from obesity than from a shortage of food.

106. After the embargo, the average number of calories obtained by the individual fell to their lowest of slightly more than 1,300 calories in 1991, later rising to about 1,700 calories per day. These averages are much lower than the international set individual requirement.

107. The average protein obtained by the Iraqi individual in 1979 was in the region of 71.2 grams daily, rising in 1988 to 84.16 grams daily and in 1989 to 102 grams daily. These amounts are much higher than the normal individual requirement according to international recommendations, whereby an adult woman requires 46 grams daily and an adult man requires 56 grams daily. After the embargo, these amounts fell sharply to some 34 grams daily in 1990, rising slightly in 1993 to 40 grams daily. The protein comes mostly from fixed sources and does not contain all the essential amino-acids a person requires.

Child weight and height

108. An indicator of the nutritional status of any country can be determined by comparing the figures for the weight and height of its children with internationally approved figures. In Iraq, several studies on the subject were conducted before and after the embargo in cooperation with international organizations.

109. In 1989, a comprehensive study of children aged between six and seven was conducted jointly by the Nutritional Research Institute of the Ministry of Health and FAO. The following indicators were revealed:

(a) Between 98 and 99 per cent of both male and female children were of normal weight compared with the internationally recognized figures;

(b) Between 1 and 2 per cent were malnourished as a result of food use practices rather than food shortage;

(c) 12 per cent of male and 9.6 per cent of female children were obese.

110. This study was preceded by another study conducted in 1987 by the same organizations of children between birth and seven years, which showed that the children's weight fell within the internationally prescribed averages.

111. After the embargo, several studies were conducted, including at the international level:

(a) The report of Prince Sadruddin Aga Khan, prepared under the auspices of the United Nations, who visited the country in the first half of 1991 and stated the following:

(i) The incidence of retarded growth and emaciation among infants had increased and nutritional indicators had fallen;

(ii) Severe and widespread malnutrition had risen in all governorates;

(iii) The incidence of diarrhoea and the need for replacement nourishment had increased;

(iv) Iraq was on the verge of an acute famine due to worsening food supplies and the rise in cases of malnutrition;

(v) Food prices had risen steeply and domestic food production was low:

(vi) Crop production had fallen, whereas in good years the food production provided between 20 and 25 per cent of the country's requirement;

(b) The first study conducted by UNICEF in May 1991 in Basra, revealed the following indicators:

(i) 8.8 per cent of children were emaciated;

(ii) 37 per cent of children in Abu al-Khasib were malnourished;

(iii) Cases of kwashiorkor (protein deficiency) had started to appear.

Another study conducted in Baghdad in 1992 showed that 9.2 per cent of children under three were malnourished;

(c) The study conducted by Harvard University in 1991 was one of the most important studies conducted in the country after the embargo, in that it covered all governorates. It was carried out by an international Harvard University team without the participation of the Iraqi Government. The study produced the following indicators:

(i) 29 per cent of children aged under five were malnourished;

(ii) 900,000 children were malnourished;

(iii) 3.6 per cent of children were severely malnourished;

(iv) 1,118,000 children were severely malnourished;

(v) 21.8 per cent of children aged under five were suffering from retarded (i.e., stunted) growth;

(d) The study conducted by the International WHO-FAO team in 1993 showed a large increase in the recorded figures for malnutrition, which were three times higher than those recorded by the Harvard team, as follows:

(i) The incidence of low height-to-age ratio rose from 16 to 30 per cent;

(ii) The incidence of low weight-to-age ratio rose from 11.9 to 35 per cent;

(iii) The incidence of low weight-to-height ratio rose from 2.2 to 16 per cent.

Weight of newborn infants

112. This is an important indicator of the health and nutritional status of an expectant mother and her newborn infant; whenever a newborn infant weighs under 2.5 kilograms, it is vulnerable to serious and potentially life-threatening problems. In 1990, the number of infants weighing under 2.5 kilograms at birth was about 4.5 per cent of total births. After the embargo, the number rose to 10.8 per cent in 1991, 17.6 per cent in 1992 and again in 1993 to 19.7 per cent. In the early months of 1994, it rose to over 20 per cent.

Recorded cases of malnutrition disorders

113. The number of hospitalizations for the treatment of malnutrition disorders indicates a sharp rise in the numbers suffering from protein deficiency, low energy and lack of trace nutrients. In 1993, the incidence of protein deficiency disorders was 27.4 times higher than that recorded in 1990, while the incidence of low energy disorders rose 23.2 times during the same period. Vitamin and mineral deficiencies were 12.3 times higher in 1993 than in 1990. The average number of all cases in 1993 was 12.9 times higher than in 1990.

114. Iodine deficiency. A deficiency of iodine, which is a trace nutrient, causes numerous disorders, including thyroid gland problems and varying degrees of mental and physical incapacity. It also leads to stroke, abortion, dwarfism, dementia and malnutrition. The problem of iodine deficiency was previously confined to certain areas of the country, but the extent of the problem has now widened severely. A study conducted in 1992 in Nineveh showed a 14.5 per cent rise in cases of thyroid enlargement among women aged 45 to 49. In 1993, a new study conducted in the governorates of Nineveh, Basra and Baghdad showed that the figure had increased to 51 per cent and that 44.24 per cent of children aged 9 to 12 were affected. This is a serious problem that demands a rapid solution that is both practical and effective.

115. Iron deficiency. Iron deficiency anaemia is a serious problem that significantly affects general health, growth, behaviour and work performance. The incidence of anaemia cases due to the embargo has risen substantially. The most recent study, conducted in 1994 in the governorate of Nineveh, showed that 53.3 per cent of pregnant women and 73.6 per cent of women who were not pregnant suffered from iron-deficiency anaemia.

116. The most recent study conducted by the Institute in 1994 showed that roughly 37 per cent of pregnant women were anaemic due to severe iron deficiency and that over 85 per cent of pregnant women were moderately anaemic. The reason for the high rise in anaemia cases is possibly the severe shortage of food, particularly meat and fish, as well as the rise in food prices resulting from the continued embargo.

117. Vitamin A deficiency. Vitamin A is an essential trace nutrient. A deficiency causes night-blindness and potential blindness. Although no cases of vitamin A deficiency were recorded in Iraq before the embargo, numerous cases of night-blindness and dry cornea have since been recorded in the governorates of Basra and Baghdad by the international teams visiting the country. Work is under way to determine the rate of affliction with this disorder in cooperation with UNICEF.

E. Consequences of malnutrition

118. The economic embargo has had an adverse and comprehensive impact on the food situation in Iraq, triggering a sharp fall in the standard of living of citizens and their ability to meet their daily requirements and essential needs, in particular that of providing food. This has obvious repercussions on all other vital aspects of life, including health services and social and humanitarian services:

(a) Lack of nutrition and the failure to obtain the protein needed to strengthen the body means that resistance to disease is now lower among various social sectors;

(b) The production of flour (the staple food), which is provided by the State through the ration card, has fallen owing to lack of spare parts for mills and the obsolescence of various pieces of milling equipment. Flour is also of poor quality in view of the fact that barley, and sometimes maize, is used for human consumption to compensate for the shortfall in the quantities of wheat available;

(c) The rise in the under-five mortality rate compared to its pre-embargo rate is due to the shortage of milk and medicine, which were available in sufficient quantities before the embargo. It is also due to the severe shortage of medicinal food for sick children;

(d) Many deliveries have started to require intensive care because of malnourishment among pregnant women caused by their psychological and physiological suffering brought on by malnutrition and deprivation;

(e) Animal production fell for want of vaccines, pesticides, medicine and fodder of all types, which was used for human consumption;

(f) The prices of food produced by private industrial and agricultural enterprise rose steeply as a result of the increased production costs caused by the halt in imports of raw materials and spare parts;

(g) Many food production projects, particularly those where production relies partly or wholly on materials imported from abroad, have ceased operation. The production quality of several items has also declined owing to the shortage of equipment in factories;

(h) There is a severe shortage of cleaning essentials that protect against disease. The individual share of such items was lower than before the embargo by 33 per cent in the case of soap and by 47 per cent in the case of washing powder. The distribution of liquid cleaners also ceased, thus precipitating a sharp rise in their prices.

F. Observations of international missions and United Nations organizations

119. In March 1991, an official United Nations mission, headed by an Under-Secretary-General, Mr. Ahtisaari, visited Iraq and submitted a report on the amount of essential humanitarian assistance for Iraq. The mission recommended that Iraq should be permitted to import food and other essential civilian items. In that light, Security Council resolution 687 (1991) was adopted in April 1991, paragraph 20 of which lifted the ban on the import of food to the country and on financial transactions relating to the import of such items. On that basis, the Chairman of the Sanctions Committee established pursuant to Security Council resolution 661 (1990) addressed a letter to the Governments of over 30 States whose banks held frozen Iraqi assets, notifying them that the decision of any Government to permit the release of such assets for the purposes of financing contracts for food and

medicine within the meaning of Security Council resolution 687 (1991) would not constitute a violation of any relevant Security Council resolution.

120. Iraq made active efforts to take advantage of the resolution and succeeded in concluding contracts for food and medicine worth a total of approximately US$ 4.5 billion in the hope that those States would comply with Security Council resolutions and consider the humanitarian aspect of the matter. However, the response from States was limited.

121. That limited response was due to the continuous pressures and threats that emanated from the United States administration with a view to preventing various States from releasing assets for humanitarian purposes.

122. Having noted that international public opinion and understanding had begun to grow in favour of Iraq, the United States and its allies took fresh action by placing obvious political pressure on the Security Council and were rewarded with the adoption of a new resolution aimed at refreezing Iraqi assets and preventing Iraq from using such assets for the purpose of buying food and medicine. The text of paragraph 20 of Security Council resolution 687 (1991) was therefore placed on hold by virtue of paragraph 11 of Security Council resolution 778 (1992), which stipulated that "no further Iraqi assets shall be released for purposes set forth in paragraph 20 of resolution 687 (1991) except to the sub-account of the escrow account established pursuant to paragraph 8 of resolution 712 (1991), or directly to the United Nations for humanitarian activities in Iraq".

123. A joint mission from FAO and the World Food Programme (WFP) in connection with the export of crops and food supplies visited the country from 14 to 28 June 1993 to assess its grain crop production for that year and the status of food supplies at the time, as well as determine the extent of its essential food import requirements during the 1993/94 marketing year. Its conclusions were as follows:

(a) The devastation of the Iraqi economy was due not only to the war, but also to the continued sanctions imposed since August 1990, which had paralysed the Iraqi economy as a whole and brought constant deprivation, chronic hunger, endemic malnutrition and the wide-scale spread of human suffering;

(b) The government ration system had so far helped to ward off countrywide famine by providing food at low (subsidized) costs. None the less, it provided only 45.8 per cent of the food basket requirements obtained by the individual prior to imposition of the embargo;

(c) Estimates by the mission indicated that Iraq would need to import 5.4 million tons of essential food in 1993-1994 at an assessed value of US$ 2.5 billion to feed its population of 19.5 million inhabitants;

(d) The international community was urged to respond as quickly as possible to resolve this crisis, since the current situation would lead to growing wide-scale deprivation and place the vast majority of Iraqi inhabitants at risk of severe hunger and malnutrition. A lasting solution to the current crisis could also revive the Iraqi economy;

(e) Based on a survey which it conducted in the normal manner, the mission affirmed that the ration system was fair in its distribution and that its operations were generally efficient.

124. The FAO report on the food outlook for 1993/94, published in April 1993, indicated that, in Iraq, the food situation for a wide sector of the population continued to deteriorate alarmingly owing to the serious problems connected with food supplies. It also added that the low-cost food allowances provided by the State only partially met the average individual calorie requirements and could not be supplemented from the market due to the exorbitant prices.

G. Right to suitable housing and the housing situation in Iraq

125. Approximately 222,000 housing units were unfit for habitation, meaning that there was a housing shortage of 522,000 units in 1987.

126. After that date, due to the 30-Power aggression and the present conditions stemming from the embargo imposed on Iraq, the housing requirement rose to 1.3 million units in order to cover the shortage caused by:

(a) The natural population increase;

(b) The need to address the accumulated housing shortage;

(c) The need to replace unfit housing units.

127. As for the coverage of housing units by essential services (electricity and water), data up to 1990 indicated the following:

(a) Electricity services provided 100 per cent coverage in urban areas and 95 per cent coverage in rural areas;

(b) The drinking water network provided 100 per cent coverage in urban areas and 45 per cent coverage in rural areas.

128. These services were planned to reach all housing units in all urban and rural areas throughout the country by 1995. However, the war situation and the embargo caused the original networks to deteriorate and aggravated the problem. Many of the housing units that had been supplied in 1990 were then deprived of such services (particularly purified water) and further plans were also suspended.

129. Information concerning the groups of homeless people without shelter are as follows:

(a) Number of homeless individuals and families. The phenomenon of homeless individuals or families was non-existent in Iraq before the 30-Power aggression, the ensuing acts of betrayal and treachery and the unjust economic embargo imposed on it. A few isolated cases were recorded after the implementation of housing projects was suspended as a result of the inhumane conditions created by the embargo. No statistical data or information on such cases is currently available;

(b) Individuals and families who are unsuitably housed. Data on the status of housing units are available up to 1987 and show that 33,000 families require new housing units with a view to achieving the general objective of full housing as follows:

(i) 244,000 housing units in the urban sector;

(ii) 86,000 housing units in the rural sector.

130. The number of people currently classified as living in settlements or illegal accommodation are as follows:

(a) In the governorate of Baghdad, there were 25,000 squatter families, most of whom have been rehoused in planned areas. This problem still needs to be addressed in the case of approximately 6,000 more families;

(b) In the remaining governorates, there are numerous squatter sites in several areas. No accurate data or statistics on the number of squatters are available.

131. The State took a series of important measures to address this problem. However, the unusual circumstances created in our country by the 30-Power aggression and the ensuing acts of sabotage during the episode of treachery and betrayal, coupled with the aftermath of the unjust economic embargo, prevented the continuation of such steps aimed at addressing this and other vital humanitarian problems.

132. The State has focused a great deal of attention on measures aimed at addressing the problem of squatters (illegal occupants) since it first emerged. It accordingly issued a number of decrees and regulations aimed at curtailing the phenomenon of new squats and devising solutions to the problem of existing squats through various practical measures:

(a) Squatter areas have been reorganized and detailed urban design plans have been formulated that include new streets and pavements and sites intended for public service buildings (schools, markets, health centres, etc.) with a view to improving the architectural environment of the area in accordance with the town's planning structure;

(b) The ownership of residential plots was assigned (at nominal cost or cost-free) to squatters who had built on them illegally, provided that there was no incompatibility with the detailed design plan, with a view to enabling them to delineate their building and improve conditions in their living environment;

(c) The municipality provided the necessary municipal services (paving, water, parks, etc.) to the areas assigned to squatters and to residential districts with a view to ensuring that the standard of such settlements rises;

(d) Residential land is prepared in suitable sites within the town planning design for division into housing units to be distributed among

squatters whose constructions are either incompatible with the land uses specified according to the area's urban design or situated in streets or service areas;

(e) If a squatter is assigned ownership of a new housing plot or a house that was erected illegally, he is able to benefit from the loans the State offers to citizens through the Real Estate Bank for the construction of residential homes (such loans have now been stopped as a result of the unjust embargo);

(f) In order to put a final stop to the phenomenon of squatting, the State issued various decrees and regulations that prohibit squatting after a specific period of time. Citizens therefore became more aware of the importance of complying with such building rules and regulations and ending the phenomenon of squatting. In the last decade, many thousands of squatters have become home-owners in accordance with the above principles. As already explained, the fallout from the war and the embargo created a stumbling block to resolution of the humanitarian problems of the Iraqi people.

133. In connection with the number of people without legal protection against arbitrary eviction or eviction of other forms, there are no identified cases of arbitrary evictions from housing units. The laws, decrees and directives that protect citizens against arbitrary eviction include the Rent Act, which protects citizens who are tenants of housing units against such eviction. Squatters are evicted from squatter sites only after municipal sites have been prepared for them, as explained in the paragraph concerning squatters.

134. Owing to the circumstances created by the economic embargo, the housing shortage increased significantly, which created an imbalance as far as meeting the need was concerned. The shortage consequently had an impact that was much larger than anticipated on the rental value of rented housing units and rents in general, particularly in relation to low and middle incomes.

H. Legislation relating to land use and distribution

135. There are numerous decrees, laws and regulations relating to land use, including the Municipality Administration Act, the Town Planning Act and the Baghdad Town Planning Act, which regulate the aforesaid matters in connection with the planning process and also ensure public participation in that process.

Tenants' rights

136. The Rental Act guarantees the rights of tenants, including arbitrary eviction, in every detail.

Building standards and provision of the support structures

137. Examples of the various regulations and directives that regulate the building process and standards include:

(a) The Roads and Buildings Regulations, which provide the details of building standards, criteria and methods;

(b) The general contracting conditions for the implementation of civil engineering, as well as electrical, mechanical and sanitary engineering.

There are also other directives that regulate the building process.

138. The Iraqi Constitution also guarantees equality and prohibits discrimination among citizens in all fields and activities, including the housing sector. Laws and directives similarly protect citizens from arbitrary eviction. Moreover, the approach of the State is to strengthen measures for the provision of housing, secure the right of citizens to housing and ensure that such right is not diminished.

139. With regard to limiting speculation in housing or ownership of housing, the Revolution Command Council promulgated decrees and directives prohibiting speculation in the sale of land and housing units by imposing a high tax on any individual who sells more than one housing unit in every five years. They also impose duties of up to 50 per cent of the value of the land on any individual who sells more than one piece of residential land in every five years.

140. Various decrees were also promulgated to assign squatters the ownership of squatter land or housing units on sites that are not incompatible with planning uses, as well as places that can be reorganized with a view to guaranteeing minimum housing standards, including the provision of services and improvement of the environment.

141. The legislation relating to environmental planning and health in human and housing settlements includes the following laws:

(a) Environmental Protection and Improvement Act;

(b) Public Health Act;

(c) Town Noise Protection Act;

(d) Environmental specifications and regulations, including those on land use in human settlements.

I. Measures taken to ensure exercise of the right to housing

142. The future housing strategy is essentially dependent on the contribution of citizens to activating the housing process and on promoting private sector capital investment in housing, with State backing. The strategy investigates the financial possibilities by encouraging property companies and ensures that the State provides land and credit facilities to low-income earners and also establishes technical infrastructural and social services as an integral part of the housing unit. The building materials needed for the housing construction process are also provided.

143. State activity in the field of housing has come to a halt as a result of the difficult and exceptional circumstances imposed by the unjust comprehensive economic embargo against Iraq, which has resulted in the

unavailability of construction materials and an acute shortage of the machinery, equipment, implements and spares needed for the building process.

144. There are regulations and directives on the dispossession of residential land awarded or subsidized by the State if it is not used for its designated purpose. However, such action has now been postponed indefinitely, as citizens are unable to build as a result of the price rises sparked by the inflation resulting from the embargo imposed on Iraq.

145. State housing allocations have also ceased because of the difficult and extraordinary economic circumstances triggered by the comprehensive economic embargo against the country.

146. The national development strategy emphasizes the development of small- and medium-sized urban centres as a means of restoring the country's housing balance and alleviating the housing burden on Baghdad and other large towns. The embargo imposed on the country has had an adverse impact on completion of the building process in the country, including the process under discussion.

Measures protecting residents against homelessness

147. In addition to the foregoing, a series of measures has been designed to protect residents from homelessness due to the implementation of urban renewal programmes and other public projects. Such measures take the following forms:

(a) Extra financial compensation, which enables the resident to secure better accommodation than before in the same town;

(b) Temporary provision of housing units until construction of the housing complex is complete;

(c) Rehousing in the same housing complex once it is complete;

(d) Rehousing in other areas developed by the State in new integral towns or villages also built by the State. Citizens contribute by choosing the new sites. An example is the rehousing of families from the areas flooded by dam water.

IX. RIGHT TO ENJOYMENT OF A HIGHER STANDARD OF PHYSICAL AND MENTAL HEALTH

Article 12

A. Public health

148. Health services are provided through permanent health centres, mobile teams and hospitals. Primary health-care (PHC) services can be said to provide almost 100 per cent coverage.

149. According to the most recent statistics, the average life expectancy is 64 years for men and 66 years for women.

150. In 1994, 73 per cent of pregnant women received antenatal care and 40 per cent of women returned to health centres to give birth.

151. In 1994, 79 per cent of newborn infants were covered by welfare services and 43 per cent of children aged between one and four years were covered by health care.

152. The infant mortality rate amounted to 25 per 1,000 live births in 1990 and 92 per 1,000 live births in 1991.

153. The special measures taken by the Government to reduce stillbirths include the introduction of premarital medical examinations, regular antenatal examinations for expectant mothers, health-care provision during delivery, delivery by trained health staff, special rooms for premature babies, qualified training for midwives in order to ensure safe and healthy deliveries, with the possibility of hospital referral for difficult, urgent and emergency cases, protective measures in delivery rooms and operations to ensure safe delivery, where necessary.

154. Special government measures to prevent epidemic diseases include child vaccination as part of the Expanded Programme of Immunization and immunization against diseases such as meningitis and typhoid according to circumstances, together with patient quarantine, treatment of the afflicted and protection for those who come into contact with them. Special programmes to combat endemic diseases (bilharzia, malaria and tuberculosis) are offered in the PHC centres. In addition to normal vaccination services, national vaccination campaigns are conducted country-wide using the vaccines included in the Expanded Programme of Immunization.

155. Medical services include the provision of PHC centres and mobile teams offering PHC services, as well as district hospitals, general hospitals in governorate centres and major towns and specialist hospitals in the capital.

B. Care of the aged

156. The country has homes for the care of the aged where elderly persons are placed by the State and where food, daily essentials and medical care are provided, as are social and leisure activities. A government committee comprising representatives of various ministries (health, labour and social affairs) and non-governmental social organizations devise education programmes on the health of the aged, highlighting the important role that family and society have to play in caring for such persons.

C. Measures to increase society's contribution to health care

157. PHC services are provided in coordination with other government support departments and non-governmental public organizations in the geographical vicinity of the PHC centre, by area, through the PHC councils in PHC centres and institutional parent-teacher councils. Headed by the director-general of health, the PHC councils in the PHC centres are linked with the PHC councils in the district division, the wider district and the governorate. They are also linked with the central PHC council, which, in addition to the Ministry of Health representatives includes representatives from the Ministry of Higher

Education, the Ministry of the Interior, the General Federation of Iraqi Women and the General Federation of Cooperative Associations and Vocational Trade Unions, carries out the planning, implementation and appraisal of PHC services.

D. Measures taken to promote health education

158. Health education is promoted by way of:

(a) Coordination with popular organizations, particularly the General Federation of Iraqi Women and its affiliated teams, through health campaigns, seminars, public meetings and house visits;

(b) Coordination with the Ministry of Culture and Information to transmit information through television, film and radio, as well as through newspapers, magazines and leaflets (posters), especially with regard to maternal and child care, combating diarrhoea, vaccinations, the control of digestive disorders in children, breast-feeding and protection of the environment from pollution, particularly after the 30-Power aggression against the country and ensuing unjust economic, food and medical embargo, which has given rise to worsening health indicators in Iraq.

E. Essential matters relating to sanitation services

Sewage services

159. The information available for 1992 indicates that approximately 35 per cent of the country's total population enjoyed sewage services; coverage in the governorate of Basra was 21 per cent and in the other governorates that receive sewage services (Babel, Karbala', Anbar, Salah al-Din, Najaf, Thi Qar and Maysan) 14 per cent.

160. As for inhabitants in the governorates that do not receive sewage services and the rural population in general, their waste water is drained into septic tanks and removed on a regular basis by special tankers.

161. There has been no improvement in the above service projects on account of the fact that no new projects have been implemented. Moreover, the projects do not currently operate with the required efficiency as a result of the various technical problems that they suffer, such as a shortage of spares, purifiers and sterilizers following the unjust embargo imposed on Iraq.

Drinking water services

162. The information available for 1992 indicates that 90 per cent of urban inhabitants in every governorate in the country are served with drinking water through widespread projects in all governorates. Similarly, 53 per cent of rural inhabitants throughout the country are served with drinking water by means of water reservoirs with limited capacity and tankers.

163. No new projects have been implemented in the last two years, while existing projects do not operate with the required efficiency as a result of the shortage of spares, purifiers and sterilizers from which they suffer. As

a result, the quality of the drinking water treated for citizens has degenerated and several instances of bacterial contamination have arisen, all of which is attributable to the situation created by the aggression and the ongoing unjust embargo against the country.

X. EFFECTS OF THE ECONOMIC EMBARGO ON SOCIAL RIGHTS

164. One of the most important social rights is the right to health and health care, particularly for children, the aged and the disabled, on whom the embargo has had serious repercussions.

165. The public health-care sector has undergone a severe decline that encompasses all facilities. The effects are evident in the enormous shortage of spare parts and the lack of medicine, essential medical items and laboratory equipment, resulting in inadequate health-care opportunities and insufficient food, which has severely lowered the standard of health. As a result, there has been an increase in cases of malnutrition, emaciation, vitamin deficiency and calorie shortage, particularly among the under-five age group.

166. There is no doubt that the embargo has had its greatest impact on children, who constitute 43.6 per cent of the population in Iraq. If we add persons aged over 60, who account for 5.5 per cent of the population, and women aged over 15, who account for 28 per cent of the population, it is possible to envisage the extent of the peril confronting the population in Iraq, as indicated in the report produced by Sadruddin Aga Khan when he visited Iraq.

167. UNICEF document E/ICEF/1994/PL-2, issued on 5 April 1994, also stressed that the condition of women and children in Iraq continued to deteriorate at the same rate. After the Gulf war, the infant mortality rate rose from 28 to 64 per 1,000 live births, while the child mortality rate increased from 48 to 80 per 1,000 live births. The number of nursing infants weighing less than 2.5 kilograms also increased from 5 to 21 per cent and diarrhoeal illnesses became the major killer of the under-fives. Furthermore, a sudden noticeable increase occurred in cases of acute respiratory infection.

168. The aggression, the subsequent disturbances and the ongoing embargo have had extremely far-reaching material and human effects on the process of rehabilitating the disabled. A substantial number of rehabilitation centres have been damaged, together with their essential rehabilitation and training aids, which has adversely affected their levels of efficiency. Moreover, it is impossible to import the necessary machinery and equipment, while the spares and primary materials regarded as vital training aids are unavailable.

169. Information concerning the most recent official statistics on the effect of the economic embargo on the health of the Iraqi citizen follows.*

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* Available for consultation in the Secretariat.